

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 589 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No

PROJECT MANAGAR OIL & NATURAL GAS COMMISSION

Versus

LALBHAI NARANBHAI PATEL

Appearance:

MS VASUBEN P SHAH for Petitioner
MR PM BHATT for Respondent No. 1
Respondent No. 2 served

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 09/07/97

ORAL JUDGEMENT

1. The petitioner is the original judgment debtor being Oil & Natural Commission, against whom an award is passed for payment of compensation under the provisions of the Land Acquisition Act. The opponent No.1 is represented by Mr. P.M. Bhatt, who informs the court

that against the judgment and award passed by the District Judge at Mirzapur, execution proceedings were filed. Against the award, according to Mr. P.M. Bhatt, First Appeal No. 682 of 1995 is already filed in this court which is admitted and according to him absolute stay is granted against the entire award. The original claimant, namely, respondent No.1 has initiated execution proceedings and has got an order of issuance of Jangam warrant and that the District Court was in the process of executing the award in such execution proceedings. The Land Reference case was numbered 720 of 1986 in the court of Second Joint District Judge and the award was passed on 4th November, 1988 and for additional amount awarded, it appears that the execution proceedings being Regular Dharkast No. 29 of 1992 was filed. In such Dharkast, Jangam Warrant was ordered to issue by the Joint District Judge on 2nd of April, 1993 and when this court was moved, this court granted ad interim stay in terms of Para 10-C. Mr. P.M. Bhatt, learned counsel appearing for respondent No.1, therefore, states that since the execution proceedings against the award passed by the Second Joint District Judge are already stayed by this court, and First Appeal is filed against such judgment and award passed by the Second Joint District Judge, wherein also stay is granted, this Civil Revision Application has become infructuous. In fact, according to him, this Civil Revision Application would not survive. It is undoubtedly true that the judgment and award passed by the Second Joint District Judge is already stayed in First Appeal filed by ONGC and in such First Appeal stay is already obtained. So long as such stay continues, Mr. P.M. Bhatt learned counsel for the respondent No.1 original claimant shall not proceed with the execution proceedings and in the First Appeal pending before this court appropriate order shall be sought which will bind both the parties during the pendency of the First Appeal. In view of the aforesaid, the present Civil Revision Application has become infructuous and it would not survive and parties would be bound by the order that would be passed on the stay application in the First Appeal which is already filed and admitted by Project Manager, Oil and Natural Gas Commission.

In the result, the rule is discharged. Ad interim stay stands vacated. There shall be no order as to costs.
